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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10

11 UNITED STATES OF AMERICA,

Case No. 2:15-cr-222-RFB

12 Plaintiff,

**UNOPPOSED MOTION TO
DISMISS PETITION FOR ACTION
ON CONDITIONS OF PRETRIAL
RELEASE (#21)**

13 v.

14 CHRISTOPHER LEE MCDERMOTT,

15 Defendant.

16

17 Comes now the defendant, Christopher Lee McDermott, by and through Rene L.
18 Valladares, Federal Public Defender; his counsel of record, Raquel Lazo, Assistant Federal
19 Public Defender, and hereby moves this court for an order dismissing the petition for action on
20 conditions of pretrial release and that the revocation hearing be vacated.

21 DATED this 3rd day of November, 2015.

22 RENE L. VALLADARES
23 Federal Public Defender

24 By: /s/Raquel Lazo

25 RAQUEL LAZO
26 Assistant Federal Public Defender
Attorney for CHRISTOPHER LEE
MCDERMOTT

MEMORANDUM OF POINTS AND AUTHORITIES

1. On July 1, 2015, Pretrial Services filed a Petition for Action on Conditions of Pretrial Release (#21). Pretrial Services alleges that, between April 30, 2015 to June 22, 2015, Mr. McDermott violated his terms of pretrial release by submitting seven urine samples which tested positive for the presence of marijuana. *Id.* A summons was issued for Mr. McDermott's appearance on the petition. Order (#22). On July 15, 2015, Mr. McDermott entered his initial appearance. Minutes (#25). The revocation hearing was scheduled for August 6, 2015. *Id.* The hearing has since been rescheduled to November 9, 2015. Order (#47).

2. Prior to the last requested continuance, the parties were prepared to present the court with a proposed resolution. *See* Stipulation (#44). As part of the resolution, the parties intended to request this court to dismiss the petition and remove the Location Monitoring Condition of GPS monitoring and Home Detention. *Id.* The parties also intended to seek to modify his conditions to add a condition that Mr. McDermott enroll and complete the Pretrial Services Life Skills class with attendance as directed by Pretrial Services. *Id.*

3. As such, on October 6, 2015, the parties jointly requested this court to modify the conditions as proposed rather than wait until the rescheduled hearing. *Id.* The court granted the request. Order (#45). The petition, however, remains outstanding.

4. The parties jointly request dismissal of the petition. They further submit that a revocation hearing is not necessary and should therefore be vacated. Neither the government nor Pretrial Services Officer Barlow has any opposition.

5. Mr. McDermott has tested negative since August 4, 2015. He has been fully compliant since then. He is enrolled in the Life Skills class and is actively seeking employment.

6. Additionally, on August 5, 2015, while the petition was pending, Mr. McDermott plead guilty. Minutes (#37). He is scheduled for sentencing on January 6, 2015. Order (#42).

1 DATED this 3rd day of November, 2015.

2 RENE L. VALLADARES
3 Federal Public Defender

4 By: /s/ Raquel Lazo
5 RAQUEL LAZO,
6 Assistant Federal Public Defender

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:15-cr-222-RFB

Plaintiff,

ORDER

V.

CHRISTOPHER LEE MCDERMOTT,

Defendant.

IT IS HEREBY ORDERED that the Petition for Action on Conditions of Pretrial
e (#21) is hereby DISMISSED.

IT IS FURTHER ORDERED that the revocation hearing currently scheduled for November 9, 2015 is hereby VACATED.

DATED this 6th day of November, 2015.



RICHARD F. BOUWLARE, II
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on November 3, 2015, he served an electronic copy of the above and foregoing

UNOPPOSED MOTION TO DISMISS PETITION FOR ACTION ON CONDITIONS

OF PRETRIAL RELEASE (#21) by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
SUSAN CUSHMAN
Assistant United States Attorney
333 Las Vegas Blvd. So. 5th Floor
Las Vegas, NV 89101

/s/ Christopher Vergari
Employee of the Federal Public Defender